

No. 14, S.]

[Published August 11, 1955.]

**CHAPTER 547**

AN ACT to amend 20.565 and to create 101.315 of the statutes, relating to the registration of land surveyors, making an appropriation and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.565 of the statutes is amended to read:

20.565 REGISTRATION BOARD OF ARCHITECTS AND PROFESSIONAL ENGINEERS. All moneys collected or received by each and every person for or in behalf of the state registration board of architects and professional engineers shall be paid within one week of receipt into the general fund of the state treasury. All moneys so deposited are appropriated for said board to carry into effect the provisions of \* \* \* ss. 101.31 \* \* \* and 101.315. As the annual expenses of the board will vary, any moneys paid in and appropriated to the use of the board but not used in any year shall be carried over to the credit of the board the following year. Such moneys carried over shall only be used to carry into effect the provisions of \* \* \* ss. 101.31 \* \* \* and 101.315.

SECTION 2. 101.315 of the statutes is created to read:

101.315 LAND SURVEYORS. (1) PRACTICE REQUIREMENTS, REGISTRATION, DEFINITIONS. (a) No person shall, after January 31, 1956, practice land surveying in this state or use or advertise any title or description tending to convey the impression that he is a land surveyor unless he has been issued a certificate of registration or granted a permit to practice as provided by this section.

(b) The practice of land surveying within the meaning and intent of this section includes surveying of areas for their correct determination and description and for conveyancing, or for the establishment or re-establishment of land boundaries and the platting of lands and subdivisions thereof.

(c) Authorizations to practice land surveying by registration or permit to practice shall be granted as hereinafter provided by the engineering division of the state registration board of architects and professional engineers, referred to in this section as the division and board, respectively. The secretary of the board, referred to in this section as the secretary, shall be the secretary of the division and the laws relating to his duties as secretary of such board shall apply to his duties under this section.

(d) The division may make such rules as are reasonably necessary for the performance of its duties under this section, and shall adopt an

official land surveyor's seal. In the conduct of proceedings any member may administer oaths.

(2) REGISTRATION, APPLICATION, QUALIFYING EXPERIENCE. (a) Application for registration as a land surveyor or a permit to practice shall be made to the division under oath, on forms provided by it, which shall require the applicant to submit such information as the division deems necessary. The division may require applicants to pass written or oral examinations or both, to be held at such times and places as it shall designate. Applicants who are of good character and repute shall be entitled to be registered or issued permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (3).

(b) Each year, but not more than 2 years, of work or training completed in a curriculum in land surveying approved by the division, or responsible charge of land surveying teaching may be considered as equivalent to one year of qualifying experience in land surveying work, and each year, but not more than 4 years completed in a curriculum other than land surveying approved by the division, may be considered as equivalent to one-half year of qualifying experience.

(3) REQUIREMENTS; CERTIFICATE OF REGISTRATION. (a) The division may issue a certificate of registration as a land surveyor to any person who has submitted to it an application and the required fees, and:

1. A record of completion of a course in land surveying of not less than 2 years' duration approved by the division together with 2 years of practice in land surveying work of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination; or

2. A record of 6 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination; or

3. A record of 20 years of practice in land surveying of satisfactory character, which indicates that the applicant is competent to be placed in responsible charge of such work, if the applicant is not less than 45 years of age; or

4. An unexpired certificate of registration as a land surveyor issued to him by the proper authority in any state or territory or possession of the United States or in any other country whose requirements meet or exceed the requirement for registration in this paragraph.

5. A record of satisfactory completion of an apprenticeship training course in land surveying prescribed by the industrial commission, of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination.

(b) The division shall issue a certificate of registration as a land surveyor to any person who files an application prior to January 1, 1957, pays the fees for such registration and requests that he be registered under this paragraph, without a written examination, if he submits satisfactory evidence that he has been a resident of Wisconsin for at least one year immediately preceding July 1, 1955, was practicing land surveying in this state during that period and has done satisfactory land surveying work.

(4) PERMIT TO PRACTICE. The secretary may issue a permit to practice land surveying during the time his application is pending, to a person who is not registered in this state, if he has filed an application for registration as a land surveyor and paid the required fee, if such person holds

an unexpired certificate which in the opinion of the secretary meets the requirements of sub. (3) (a). Such permit shall be revocable by the division at its pleasure.

(5) EXEMPTIONS. The following persons doing surveying work are exempt from the provisions of this section:

(a) An employe of a land surveyor registered in this state or authorized to practice under a permit, while working under the supervision of the employer. Such exempt employe shall not be in responsible charge of land surveying.

(b) Officers and employes of the United States while engaged in land surveying for the United States.

(c) Employees of the state of Wisconsin while engaged in land surveying for the state.

(d) Employees of public utilities regulated by the public service commission of Wisconsin in land surveying for such utilities.

(6) FEES; RENEWALS. (a) Application for registration as a land surveyor shall be accompanied by a fee of \$10 which shall be retained by the division. Such application shall entitle the applicant to undergo the oral or written examinations for land surveyors the first time such examinations are held after such application is made, or subsequent examinations, and to a certificate of registration if the requirements of this section are met.

(b) The division shall issue a certificate of registration as a land surveyor to any applicant who has met the requirements of this section. Such certificate shall expire on the second January 31 after the date of its issuance unless renewed. Such certificate may be renewed for a period of 2 years during the month of January in which it expires by the payment of a fee of \$10.

(c) An expired certificate of registration may be renewed within 10 months, effective to the second January 31 after renewal, on payment of a fee of \$10 plus \$1 for each month or fraction of a month after its expiration. If the certificate has expired for longer than 10 months, it may be renewed to the second January 31 after renewal, by payment of a fee of \$20.

(d) The secretary shall notify every registered land surveyor of the date of the expiration of his certificate and the fee required for its renewal, by mail at least one month in advance of such expiration.

(e) The fee for re-examination of an applicant for registration shall be \$10.

(f) The fee for the issuance of a new certificate to replace any certificate lost, destroyed, mutilated or reinstated, shall be \$3.

(7) ROSTER. A roster showing the names and mailing addresses of all registered surveyors shall be prepared annually by the secretary and made available to each registrant or permittee at request, and a copy shall be placed on file with the secretary of state.

(8) REVOCATION OF CERTIFICATE. (a) The division shall have the power to revoke the certificate of registration of any land surveyor for the practice of any fraud or deceit in obtaining the certificate, or any gross negligence, incompetence or misconduct in the practice of land surveying.

(b) Charges of fraud, deceit, gross negligence, incompetence or misconduct may be made against any surveyor by the division or any person. Such charges may be made on information and belief but shall be in writing, stating the specific acts, be signed by the complainant, and filed with the secretary. All such charges, unless dismissed by the division as trivial, shall be heard by it within 3 months after their filing.

(c) The time and place for such hearing shall be fixed by the division, and a copy of the charges, together with a notice of the time and place of hearing shall be given by personal service or by registered letter with return receipt requested, mailed to the last known address of such land surveyor, at least 30 days before the hearing. The land surveyor so charged shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(d) If, after such hearing, 4 members vote in favor of revocation, the division shall revoke the certificate of registration of such land surveyor and notify him to that effect. The surveyor shall return his certificate to the secretary immediately on receipt of such notice. The action of the division may be reviewed under ch. 227.

(e) The division, for reasons it deems sufficient, may reinstate a certificate of registration that has been revoked, if 4 members vote in favor of such reinstatement.

(9) PENALTIES; LAW ENFORCEMENT. Any person who violates this section shall be fined not more than \$500, or imprisoned not more than 3 months, or both.

(10) INJUNCTION. If it appears upon complaint or is known to the division that any person who is not authorized is practicing or offering to practice land surveying in this state, the division, the attorney general or the district attorney of the proper county may in addition to other remedies, bring action in the name and on behalf of the state to enjoin such person from practicing or offering to practice land surveying.

(11) INTENT. It is the intent of this section that registration of land surveyors shall be a duty of the division and its secretary to the same extent as their duties under s. 101.31; that the moneys derived from fees collected under this section shall be merged with those collected under s. 101.31; and that bona fide land surveyors practicing in this state on the effective date of this section (1955) shall be entitled to a certificate authorizing them to practice, if application is made under this section.

(12) EXCEPTION. A license shall not be required for an owner to survey his own land for purposes other than for sale.

Approved August 4, 1955.

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